

## REMARKS

The examiner objects to the specification for an informality. Claims 1, 3, 4, 6, 7, 9, 10, and 12-16 are pending prior entering this amendment. The examiner rejects claims 1, 3, 4, 6, 7, 9, 10, 12, and 14-16 under 35 USC §103(a) as unpatentable over Kurittu (U.S. Patent Application Publication No. 2003/0120309) in view of Bharucha (U.S. Patent Application Publication No. 2003/0081610). The examiner rejects claim 13 under 35 USC §103(a) as being unpatentable over Kurittu in view of Bharucha (U.S. Patent Application Publication No. 2003/0081610) and further in view of Duimovich (U.S. Patent Application Publication No. 2002/0052947). Applicants amend claims 1, 3-4, 6-7, 9-10, 12, and 16, cancel claim 14, and add claims 17-22. Claims 1, 3-4, 6-7, 9-10, 12-13, and 15-22 remain after amending this application. Applicants add no new matter and request reconsideration.

### Specification Objection

The examiner objects to the specification for an informality. Applicants amend specification to obviate the examiner's objection.

### Claim Rejections - §103

The examiner rejects claims 1, 3, 4, 6, 7, 9, 10, 12, and 14-16 under 35 USC §103(a) as unpatentable over Kurittu in view of Bharucha. The examiner rejects claim 13 under 35 USC §103(a) as unpatentable over Kurittu in view of Bharucha and further in view of Duimovich. Applicants respectfully traverse the examiner's rejections.

Claim 1 recites *a processor adapted to ... identify at least one transition in the class of speech between substantially adjacent stored packets responsive to the comparative discardability codes and delete at least one of the packets from the memory without playing it out according to the identified transitions in the class of speech*. Claim 10 recites similar limitations.

Claim 7 recites *determining multiple adjacently stored packets have a same class of speech responsive to the comparative discardability codes and deleting at least one of the packets from the memory without playing it out according to the determination that the multiple packets have the same class of speech*. Claim 6 recites similar limitations.

The examiner appears to allege Bharucha's silence detection module 32 discloses the recited processor, and performs the recited determining and deleting. The silence detection module 32, however, drops cells from Bharucha's output buffer 29 according to the voice activity present within that cell, not responsive to the relationship of that voice activity to voice activity of other adjacently stored packets as the claim requires. See, Bharucha, paragraphs [0032] and [0033], where Bharucha teaches dropping all silent cells first regardless of the voice activity of an adjacently stored cell. In other words, there is no disclosure in Bharucha of identifying *transitions in the class of speech* between adjacently stored packets, nor determining multiple adjacently stored packets have *a same class of speech*, much less deleting the packets according to the identification of the transition or determination that the multiple packets have the same class of speech. Since Bharucha drops cells solely based upon their individual voice activity, without regard to the voice activity of any substantially adjacent cells, Bharucha does not anticipate claims 1, 6, 7, and 10, or their corresponding dependent claims.

Claim 4 recites *means for extracting a comparative discardability code from at least one of the stored packets responsive to ... a reduction in congestion associated with the network*. Applicants amend claim 4 to include limitations in claim 14, which is now canceled. Applicants also agree with the examiner that Kurrito does not teach or suggest the recited limitations. The examiner alleges Bharucha's silence detection module 32 discloses the recited means for extracting. Bharucha, however, teaches the silence detection module 32 dropping marked cells during times of increased network congestion or insufficient network bandwidth. See Bharucha, paragraphs [0033] and [0034], where marked cells are dropped when the output buffer 29 approaches an overflow condition caused by increased network congestion. Since Bharucha drops cells responsive to increased network congestion, not a *reduction* in network congestion as the claim requires, Bharucha does not anticipate claim 4 or its corresponding dependent claims.

Claim 3 recites *a processor adapted to set a discarding probability in accordance with the comparison of the stored packets, where the discarding probability indicates a lower probability that a packet will be discarded when there is a transition in the class of speech between substantially adjacent stored packets*. Applicants agree with the examiner that Kurrito does not teach or suggest the recited limitations. The examiner appears to allege Bharucha's silence detection module 32 discloses the recited processor. Bharucha, however, teaches the silence detection module 32 dropping cells according to the voice activity present within that

cell. As the examiner argues, Bharucha drops silent cells first, then cells with partial voice spurts, and finally cells with active speech. See, Office Action, 4/20/2006, pages 4-5; Bharucha, paragraphs [0032] and [0033]. Put differently, Bharucha does not teach or suggest a dropping cells according to the voice activity in an adjacently stored cell. Since Bharucha drops cells solely based upon voice activity present within that cell, without regard to the voice activity of any adjacent cell, Bharucha does not anticipate claim 3.

Claim 3 further recites a *processor adapted to compare a plurality of the stored packets according to the extracted comparative discardability codes*. Claims 6, 9, and 12 recite similar limitations. Applicants agree with the examiner that Kurrito does not teach or suggest the recited limitations. According to the Examiner, Bharucha's cells and Cell Loss Priority bit disclose the recited packets and comparative discardability codes, respectively. There is no disclosure in Bharucha, however, of comparing multiple cells with each other, much less comparing them according to their comparative discardability codes. That Bharucha individually drops cells from Bharucha's output buffer 29 based on their Cell Loss Priority bit, does not obviate the fact that Bharucha does not compare multiple cells as the claim requires. Put differently, Bharucha teaches dropping cells based on their Cell Loss Priority bit, not the Cell Loss Priority bit associated with another stored cell. Bharucha therefore does not anticipate claims 3, 6, 9, and 12 and their corresponding dependent claims.

### **New Claims**

Applicant adds claims 17-24. Claims 17-18 depend from independent claim 1. Claim 19 depends from independent claim 4. Claims 20-21 depend from independent claim 7. Claim 22 depends from independent claim 10. Support for these new claims is provided in the specification as originally filed.

### CONCLUSION

For the foregoing reasons, reconsideration and allowance of all amended claims remaining in the application is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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